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SENATE BILL 870

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

NANCY E. RODRIGUEZ

AN ACT

RELATING TO LOBBYISTS; AMENDING AND ENACTING SECTIONS OF THE LOBBYIST REGULATION ACT TO REQUIRE DISCLOSURE OF INCOME FROM LOBBYING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Lobbyist Regulation Act is enacted to read:

"[NEW MATERIAL] LOBBYIST INCOME DISCLOSURE. -- Each lobbyist shall file with the secretary of state, on a prescribed form or in an electronic format approved by the secretary of state, a report of income from lobbying. The income report shall include a sworn statement that sets forth for each of the lobbyist's employers from whom income was received, the employer's name, amount of income received, dates and purpose. Lobbyists who are salaried employees must report only that portion of their salary

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1 which relates to lobbying. "

2 Section 2. Section 2-11-6 NMSA 1978 (being Laws 1977,
3 Chapter 261, Section 6, as amended) is amended to read:

4 "2-11-6. EXPENDITURE AND INCOME REPORT TO BE FILED--
5 CONTENTS--REPORTING PERIODS.--

6 A. Each lobbyist or lobbyist's employer who makes or
7 incurs expenditures or political contributions for the benefit
8 of a state legislator or candidate for the state legislature, a
9 state public officer or candidate for state public office, a
10 board or commission member or state employee who is involved in
11 an official action affecting the lobbyist's employer or in
12 support of or in opposition to a ballot issue or pending
13 legislation or official action shall file an expenditure report
14 with the secretary of state on a prescribed form or in an
15 electronic format approved by the secretary of state. The
16 expenditure report shall include a sworn statement that sets
17 forth:

18 (1) the cumulative total of the expenditures
19 made or incurred, separated into categories that identify the
20 total separate amounts spent on:

- 21 (a) meals and beverages;
22 (b) other entertainment expenditures;
23 (c) gifts; and
24 (d) other expenditures;

25 (2) each political contribution made,

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1 identified by amount, date and name of the candidate or ballot
2 issue supported or opposed; and

3 (3) the names, addresses and occupations of
4 other contributors and the amounts of their separate political
5 contributions if the lobbyist or lobbyist's employer delivers
6 directly or indirectly separate contributions from those
7 contributors in excess of five hundred dollars (\$500) in the
8 aggregate for each election to a candidate, a campaign committee
9 or anyone authorized by a candidate to receive funds on his
10 behalf.

11 B. If the expenditure report is filed
12 electronically, the report shall be subscribed and sworn to in
13 an independent affidavit that shall be delivered to the
14 secretary of state within forty-eight hours after the
15 expenditure report is electronically filed.

16 C. In identifying expenditures pursuant to the
17 provisions of Paragraph (1) of Subsection A of this section, any
18 individual expenditure that is more than the threshold level
19 established in the Internal Revenue Code of 1986, as amended,
20 that must be reported separately to claim a business expense
21 deduction, as published by the secretary of state, shall be
22 identified by amount, date, purpose, type of expenditure and
23 name of the person who received or was benefited by the
24 expenditure; provided, in the case of special events, including
25 parties, dinners, athletic events, entertainment and other

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1 functions, to which all members of the legislature, to which all
2 members of either house or any legislative committee or to which
3 all members of a board or commission are invited, expenses need
4 not be allocated to each individual who attended, but the date,
5 location, name of the body invited and total expenses incurred
6 shall be reported.

7 D. The reports required pursuant to the provisions
8 of the Lobbyist Regulation Act shall be filed:

9 (1) by January 15 for all expenditures and
10 political contributions made or incurred during the preceding
11 year and not previously reported;

12 (2) within ten days after a legislative session
13 ends for each separate expenditure made or incurred during the
14 session that was for five hundred dollars (\$500) or more; ~~and~~

15 (3) by May 1 for all expenditures and political
16 contributions made or incurred since the January filing; and

17 (4) by May 1 for all income from lobbying
18 received during the twelve-month period ending April 15 of the
19 current year.

20 E. A lobbyist's personal living expenses and the
21 expenses incidental to establishing and maintaining an office in
22 connection with lobbying activities ~~[or compensation paid to a~~
23 ~~lobbyist by a lobbyist's employer]~~ need not be reported.

24 F. A lobbyist or lobbyist's employer shall obtain
25 and preserve all records, accounts, bills, receipts, books,

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1 papers and documents necessary to substantiate the financial
2 statements required to be made under the Lobbyist Regulation Act
3 for a period of two years from the date of filing of the report
4 containing such items. When the lobbyist is required under the
5 terms of his employment to turn over any such records to his
6 employer, responsibility for the preservation of them as
7 required by this section and the filing of reports required by
8 this section shall rest with the employer. Such records shall
9 be made available to the secretary of state or attorney general
10 upon written request.

11 G. Any lobbyist's employer who also engages in
12 lobbying shall comply with the provisions of the Lobbyist
13 Regulation Act.

14 H. An organization of two or more persons, including
15 an individual who holds himself out as an organization, that
16 within one calendar year expends funds in excess of two thousand
17 five hundred dollars (\$2,500) not otherwise reported under the
18 Lobbyist Regulation Act to conduct an advertising campaign for
19 the purpose of lobbying shall register with the secretary of
20 state within forty-eight hours after expending two thousand five
21 hundred dollars (\$2,500). Such registration shall indicate the
22 name of the organization and the names, addresses and
23 occupations of any of its principals, organizers or officers and
24 shall include the name of any lobbyist or lobbyist's employer
25 who is a member of the organization. Within fifteen days after

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1 a legislative session, the organization shall report the
2 contributions, pledges to contribute, expenditures and
3 commitments to expend for the advertising campaign for the
4 purpose of lobbying, including the names, addresses and
5 occupations of the contributors, to the secretary of state on a
6 prescribed form."

7 Section 3. Section 2-11-7 NMSA 1978 (being Laws 1977,
8 Chapter 261, Section 7, as amended) is amended to read:

9 "2-11-7. REGISTRATION AND EXPENDITURE STATEMENT--INCOME
10 REPORT--PRESERVATION AS PUBLIC RECORD.--Each registration and
11 expenditure statement and income report as required by the
12 Lobbyist Regulation Act shall be preserved by the secretary of
13 state for a period of two years from the date of filing as a
14 public record, open to public inspection at any reasonable time.
15 Unless an action or prosecution is pending that requires
16 preserving the report, it may be destroyed two years after the
17 date of filing."